

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

AMETHYST SIAS,

Plaintiff,

vs.

HY-VEE, INC.,

Defendant.

Case No. 4:24-cv-00345-WBG

HY-VEE'S PARTIAL MOTION TO DISMISS

Defendant, Hy-Vee, Inc., respectfully moves this Court to dismiss Plaintiff Amethyst Sias' Workers' Compensation retaliation claim (Count III) pursuant to Fed. R. Civ. P. 12(b)(6) because she has not stated and cannot state a claim for Workers' Compensation retaliation as she did not exercise a right under the Missouri Workers' Compensation statute. Rather, she fraudulently joined that claim to defeat diversity jurisdiction. Accordingly, her Count III should be dismissed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2024, the above and foregoing was filed using the Court's CM/ECF system, which sent electronic notice to the following:

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